

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JACK MAYER,</b>	:	
	:	
<i>Petitioner,</i>	:	<b>CIVIL ACTION</b>
v.	:	
	:	<b>NO. 17-2375</b>
<b>JAY LANE, SUPERINTENDENT OF PENNSYLVANIA SCI FAYETTE,</b>	:	
<i>Respondent.</i>	:	

**ORDER**

**AND NOW**, this 15th day of May, 2018, upon consideration of the Petition for Writ of *Habeas Corpus* filed by Petitioner Jack Mayer (Doc. No. 1), the Response thereto (Doc. No. 9), Magistrate Judge Timothy Rice’s Report & Recommendation (Doc. No. 10), and Petitioner’s Affidavit and Amended Objections to the Report & Recommendation (Doc. Nos. 11 and 17), it is hereby **ORDERED** that:

1. The Petitioner’s Amended Objections (Doc. No. 17) are **OVERRULED**.<sup>1</sup>
2. The Report & Recommendation (Doc. No. 10) is **APPROVED** and **ADOPTED**.
3. The Petition for Writ of *Habeas Corpus* (Doc. No. 1) is **DISMISSED** with prejudice without an evidentiary hearing.
4. There is no probable cause to issue a certificate of appealability.<sup>2</sup>

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<sup>1</sup> The Court agrees with Magistrate Judge Rice that Mr. Mayer’s petition is untimely under 28 U.S.C. § 2244(d). *See* Report & Recommendation at 2. Further, the Court agrees that Mr. Mayer has not alleged facts sufficient to show that he is entitled to equitable tolling. *See id.* at 2–4. Finally, the Court agrees that the circumstances of this case do not fit the narrow exception of *Martinez v. Ryan*, 566 U.S. 1 (2012). *See* Report & Recommendation at 4.

<sup>2</sup> A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230

5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE

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(3d Cir. 2004). The Court agrees with Magistrate Judge Rice that there is no probable cause to issue such a certificate in this action.